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Filing date: **05/31/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048732
Party	Plaintiff Altwater Gessler - J.A. Baczewski International (USA) Inc. and Altwater Gessler - J.A. Baczewski GmbH
Correspondence Address	PETER S SLOANE LEASON ELLIS LLP ONE BARKER AVE, FIFTH FL WHITE PLAINS, NY 10601 UNITED STATES sloane@leasonellis.com, reuber@leasonellis.com, tmdocket@leasonellis.com
Submission	Other Motions/Papers
Filer's Name	Peter S. Sloane
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Signature	/s/Peter S. Sloane
Date	05/31/2013
Attachments	Declaration of Leonie Gessler.pdf(247265 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

	X	
	:	
ALTVATER GESSLER – J.A. BACZEWSKI	:	
INTERNATIONAL (USA) INC. AND	:	
ALTVATER GESSLER – J.A. BACZEWSKI	:	
GMBH,	:	
	:	
Petitioners,	:	Cancellation No. 92048732
	:	
v.	:	
	:	
RONALD BECKENFELD,	:	
	:	
Registrant.	:	
	X	

**DECLARATION OF LEONIE GESSLER IN OPPOSITION
TO RESPONDENT’S MOTION FOR SUMMARY JUDGMENT**

I, Leonie Gessler, hereby declare as follows:

1. I submit this Declaration in opposition to the motion for summary judgment filed by Respondent.

2. I am the wife of Elek Gessler. Elek Gessler inherited a Vienna-based spirits business named Altvater Gessler – J.A. Baczewski from his father Eduard Gessler, who died in 1979. Eduard Gessler was responsible for the reintroduction of the product J.A. BACZEWSKI VODKA MONOPOLOWA.

3. Elek Gessler also assumed personal liability of an enormous debt of about one million dollars when Eduard Gessler passed away. Eduard had become senile in the last several years of his life, during which time he made mistakes in his business which cost a significant amount of money. Eduard had insisted on signing for everything personally rather than incorporate as a business.

4. Following Eduard Gessler's death, in 1980, Elek Gessler established a new business entity known as Altvater Gessler – J.A. Baczewski GmbH, an Austrian corporation. In 1983, Elek Gessler also established Altvater Gessler – J.A. Baczewski International (USA) Inc., a New Jersey corporation (the "U.S. company"), to manage United States operations.

5. The debt inherited by Elek Gessler continued to haunt him through the 1980s. Elek did not share many details of the business with me, but I was aware that we were in dire financial straits. Things were so bad that, in 1988 or 1989, we had to refinance one of our homes to pay off some debts in Vienna.

6. We also had about several hundred thousands of dollars in debt on our credit cards and were afraid of going broke and being left with nothing. Elek started talking about the looming threat of bankruptcy. As a result, I took steps such as separating my credit from my husband's credit. An attorney letter to the credit agency TRW requesting such a split is attached as **Exhibit A**.

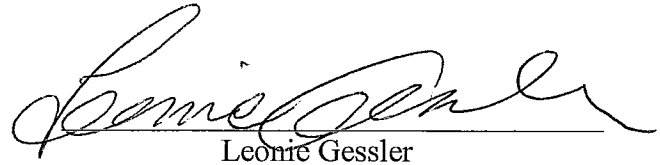
7. In 1991, as a means to mitigate losses in the event of personal bankruptcy, Elek Gessler also assigned to me all his shares in the U.S. company. Attached as **Exhibit B** are the minutes of the annual meeting of shareholders of the U.S. company discussing the future transfer of his shares to me. Attached as **Exhibit C** is a copy of an attorney letter to Elek Gessler attaching the resolution effecting the transfer. The shares were never transferred back to him.

8. Things with the business improved significantly in or about 1993. Sales in Poland had increased dramatically. Around that time, the company started making its vodka kosher. People in Poland believed that kosher vodka reduced the risk of hangovers. Within a year or two, the company had earned enough money that Elek Gessler was able to pay off his debts.

9. I was unaware of any purported transfer of the mark MONOPOLOWA to Mutual. I only learned about the claim after my son Rasiel Gessler told me in or about 2007. I was shocked to learn that Mutual claimed that it owns the mark. Elek Gessler would never have parted with the brand absent bankruptcy or some other catastrophic event.

I hereby declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Date: May 21, 2013



Leonie Gessler

Exhibit A

STEVEN M. HONIG

RICHARD C. BURNS¹
THOMAS A. GIAMANCO¹
GARY D. HONIG¹
OF COUNSEL

HERMAN G. HONIG
(1928-1965)
RUTH EPSTEIN-HONIG
(1929-1989)

¹ Also admitted in N.Y.
² Admitted in FL, Mass.

HONIG & HONIG

ATTORNEYS AT LAW

167 FRANKLIN TURNPIKE
P.O. BOX 124
WALDWICK, N.J. 07463-0124

(201) 652-5101

Fax (201) 652-1523

November 1, 1991

FLORIDA OFFICE
2500 E. HALLENDALE BEACH BOULEVARD
HALLENDALE, FL 33009
(305) 456-3903

REFER TO FILE #

TRW
P.O. Box 749029
Dallas, Texas 75374

Re: Leonie Gessler

Gentlemen:

This firm represents Leonie Gessler who has consulted us with reference to separating her credit record from that of her husband.

Mrs. Gessler's social security number is 091-38-9869. The year of her birth is November 16, 1931. Her address is 2179 South Street, Fort Lee, New Jersey 07024.

Mr. and Mrs. Gessler have separated and are in the process of divorcing each other. Please advise the procedure to be followed in connection with this matter.

Thank you for your assistance relative to the above.

Very truly yours,

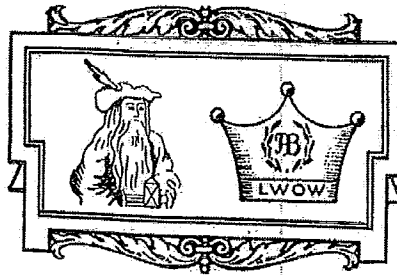
HONIG & HONIG

STEVEN M. HONIG

SMH:cag

cc: Leonie Gessler

Exhibit B



ALTWATER GESSLER - J. A. BACZEWSKI INTERNATIONAL (USA) INC.

E. GESSLER
PRESIDENT

2179 SOUTH STREET
FORT LEE, NEW JERSEY 07024 USA
(201) 592-7245

JULY 6, 1991

SUBJECT: Annual Meeting of the Shareholders of Altwater Gessler--J.A. Baczewski International (USA) Inc.

1. The annual meeting of the shareholders of the Altwater Gessler--J.A. Baczewski International (USA) Inc. was held on Saturday, 6 July 1991 at 3 Short Way, Paramus, New Jersey, USA.

2. Present were: Elek Gessler - President
Elisabeth L. Winn - Shareholder
Leonie Gessler - Future
Shareholder Stanley Stawski - Importer
Absent: Roman Gessler - Shareholder

3. The President and Shareholders present

a. Discussed the future transfer of 400 shares of Altwater Gessler-J.A. Baczewski International (USA) Inc. from Elek Gessler to Leonie Gessler; such transfer to be effective upon signature by all shareholders.

b. Discussed and approved a trip to Poland by Mr Elek Gessler and Mr Stanley Stawski to contact the POLMOS corporation in Starogard, Poland, reference the future production of Baczewski products for sales and consumption in Poland. Any profits are to be divided as follows:
one-third to Stanley Stawski, Chicago, Illinois;
one-third to Elek Gessler, Fort Lee, New Jersey;
one-third to Altwater Gessler-J.A. Baczewski International (USA) Inc.

4. The meeting began at 1600 hours on Saturday, 6 July 1991 and adjourned at 1800 hours on the same date.

Signed 6 July 1991 in Paramus, New Jersey, USA:

Elek Gessler
President

Elisabeth L. Winn
Elisabeth L. Winn

(absent)
Roman Gessler

OUR LIQUORS ARE PRODUCED BY ALTWATER GESSLER-J. A. BACZEWSKI, VIENNA, AUSTRIA
AND UNDER LICENSE AGREEMENT BY RHON HESSISCHE WEINBRENNEREI, FULDA, WEST GERMANY

Exhibit C

STEVEN M. HONIG

RICHARD C. BURNS¹
THOMAS A. GIANMANCO¹
GARY D. HONIG²
OF COUNSEL

HERMAN G. HONIG
(1928-1966)
RUTH EPSTEIN-HONIG
(1929-1989)

¹Also admitted in N.Y.
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Fax (201) 652-1523

FLORIDA OFFICE
2500 E. HALLENDALE BEACH BOULEVARD
HALLENDALE, FL 33009
(305) 456-3903

REFER TO FILE #

November 7, 1991

Mr. Elek Gessler
2179 South Street
Fort Lee, NJ 07024

Re: Altvater Gessler - J.A. Baczewski
International [USA], Inc.

Dear Elek:

Enclosed herewith please find an original and two copies of a Resolution as well as the stock certificate indicating 400 shares to Leonie. Kindly have the Resolution and stock certificate signed and return same to me for filing in the Corporate Minute Book.

If you have any questions or comments, please feel free to contact me.

Very truly yours,

HONIG & HONIG


STEVEN M. HONIG

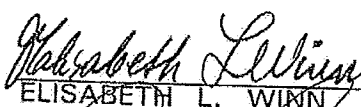
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Enclosures

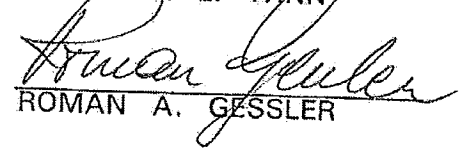
RESOLUTION

THE UNDERSIGNED, being the shareholders and directors of
Altvater Gessler - J.A. Baczewski International [USA] Inc. hereby
consent to and authorize the following:

RESOLVED, that the shares in the name of Elek Gessler be
and the same are hereby cancelled of record and said shares shall be
reissued to Leonie Gessler.



ELEK GESSLER

ELISABETH L. WINN

ROMAN A. GESSLER